

REMARKS

Status of Claims

The Office Action mailed February 6, 2007 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-24 were pending in the application. Claims 1-24 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Applicant thanks the examiner for indicating that claims 6, 12, 18, and 24 contain allowable subject matter.

Objection to the Specification

The Office Action objects to the title. In reply, Applicant has changed the title of the application.

Prior Art Rejections

In the Office Action, claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0271122 ("Jonsson") in view of U.S. Patent 6,356,542 ("Hayata"). Claims 4, 10, 16, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Hayata and further in view of U.S. Patent 6,026,115 ("Higashi"). Applicants respectfully traverse these rejections for at least the following reasons.

Claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Hayata. Independent claim 1 has been amended to disclose a weighing controlling section that has the ability to "monitor a change in a power level of a sample of each of two or more delay profiles to be used in same power adding processing in delay profile calculation for path search processes and to **exercise a weighting control for assigning weight to a power level of a specified sample, according to a result from the monitoring; wherein a judgment as to whether said weighting control is exercised on a specified sample depends upon a number of samples of a candidate for said weighting control.**" (emphasis added) Similar language is added for remaining independent claims 7, 13, and 19. Support for this amendment can be found throughout the disclosure and in the claims as filed.

Specifically, if only one sample of a candidate for weighting control exists, negative weight is assigned to a power level of the sample. If more than one sample exists, negative weight is only assigned if the difference in power levels among the samples meets or exceeds a threshold value. (page 3, lines 5-15) Thus, a weighting control is exercised on a candidate depending upon the number of samples of a candidate for said weighting control.

The outstanding Office Action correctly asserts that neither Jonsson nor Hayata disclose dealing with more than one sample for weighting control. (page 9, lines 4-8 of the Office Action) Thus, it can be understood that neither Jonsson nor Hayata disclose an ability to “exercise a weighting control for assigning weight to a power level of a specified sample”, “wherein a judgment as to whether said weighting control is exercised on a specified sample depends upon a number of samples of a candidate for said weighting control.”

As shown, neither Jonsson nor Hayata not teach or disclose all of the features of the independent claim, specifically failing to an ability to exercise weighting control for assigning weight to a power level of a specified sample depending upon the number of samples of a candidate for weighting control. Thus, Hayata, either alone or in combination with Jonsson, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either Jonsson or Hayata.

Claims 4, 10, 16, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Hayata and further in view of Higashi. Higashi is directed towards a RAKE receiver utilized in a direct sequence spread spectrum communication system. A RAKE receiver is well-known in the art as a radio receiver that uses sub-receivers that are slightly delayed in order to tune in to the individual multi-path components. These components are decoded separately and later combined. Higashi discusses the usage of weights in column 4, lines 9-12, disclosing that the RAKE combiner “combines the multipath signals with weights to achieve the maximal ration combining”. There is no other usage of weights in Higashi, nor does the word “weight” appear anywhere else in the disclosure of Higashi, let alone the concept of exercising a weighting control.

The outstanding Office Action asserts that the disclosure of Higashi relationg to a combination method of the subpaths teaches assigning weight to the samples for weighing control, when there are more than one sample and when the difference in power levels among

the samples meets or exceeds a change threshold value. However, Higashi's method for combining subpaths deals with amplitudes of the paths, wherein paths with an amplitude less than a smaller threshold are cancelled, paths with amplitudes between two thresholds are combined, and paths with amplitudes higher than the higher threshold are combined later. These amplitudes are characteristics of the paths, not weights that are assigned. Further, there is no comparison of amplitudes between paths before or after combination. The claim language distinctly asserts comparing whether "a difference in power levels among specified samples is a change threshold value or more". Thus, Higashi also does not meet the limitations of the independent claims.

As shown, neither Jonsson nor Hayata not teach or disclose all of the features of the independent claim, specifically failing to disclose the ability to "exercise a weighting control for assigning weight to a power level of a specified sample", "wherein a judgment as to whether said weighting control is exercised on a specified sample depends upon a number of samples of a candidate for said weighting control." Higashi does not disclose those features found lacking in Jonsson and Hayata. Thus, Higashi, either alone or in combination with Jonsson and Hayata, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either Jonsson, Hayata, or Higashi.

Conclusion

In view of the foregoing amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 7, 2007 (Monday)

By

A handwritten signature in black ink, appearing to read "George C. Beck", is written over a horizontal line.

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6059
Facsimile: (202) 672-5399

George C. Beck
Attorney for Applicant
Registration No. 38,072